



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,238	09/08/2000	John C. Zurawski	073030.0136	3002

7590 08/25/2005
Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,238

Applicant(s)

ZURAWSKI, JOHN C.

Examiner

David E. England

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 17 are presented for examination.

Response to Arguments

2. In view of the Appeal Brief filed on 05/09/2005, PROSECUTION IS HEREBY REOPENED. Claims 1 – 17 set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2143

4. Claims 1 – 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claims 1, 7, 11 and 16 are not limited to tangible embodiments. In view of Applicant's disclosure, the medium is not limited to tangible embodiments nor does the disclosure state what a computer-readable medium could be.

6. Claims 2 – 6, 8 – 10, 12 – 15 and 17 are rejected for their dependence on the above mentioned claims.

Drawings

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the function portions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the trigger must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Art Unit: 2143

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 2, 3, 8, 9, 10, 11 and 15 – 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it

Art Unit: 2143

pertains, or with which it is most nearly connected, to make and/or use the invention. The term “trigger” is not specifically defined in the specification as to what the trigger consists of.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coile (6654795) in view of Hasegawa et al. (6333752) (hereinafter Hasegawa) in further view of Nguyen et al. (6202070) (hereinafter Nguyen), in further view of Anabuki et al. (6441913) (hereinafter Anabuki).

16. As per claim 1, as closely interpreted by the Examiner, Coile teaches a method, comprising the steps of:

17. providing a set of predetermined function definitions which are different, (e.g. col. 1, lines 37 – 65, “*HTTP, IP*” & col. 4, line 36 – col. 5, line 12, “*IP*”);

18. a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition, (e.g. col. 1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, “*source and destination ports*”);

Art Unit: 2143

19.

20. binding information which includes binding portions that each associate a respective said input port with one of said output ports, (e.g. col. 1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, “*IP packet*”); but does not specifically teach image data;

21. at least one of said predetermined function definitions defining a function for manipulating image data;

22. storing a project definition that is operable when executed to process said image data;

23. allowing a user to modify said project definition by interacting with said graphical representation using a pointing tool; and

24. automatically initiating execution of said project definition in response to a change to said image data in said data source;

25. wherein said execution of said project definition operates at least in part to manipulate a graphical aspect of said image data.

26. displaying a project window that includes a graphical representation of said project definition;

27. a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination.

28. Hasegawa teaches image data, (e.g. Abstract);

29. at least one of said predetermined function definitions defining a function for manipulating image data, (e.g. col. 30, lines 9 – 18, “*The editing and processing section...*”);

Art Unit: 2143

30. displaying a project window that includes a graphical representation of said project definition, (e.g., Figures 5 – 9 & col. 33, lines 8 – 35);

31. storing a project definition that is operable when executed to process said image data, (e.g. col. 30, lines 44 – 52);

32. allowing a user to modify said project definition by interacting with said graphical representation using a pointing tool, (e.g. col. 30, lines 52 – 67, “*drag mouse*”); and

33. wherein said execution of said project definition operates at least in part to manipulate a graphical aspect of said image data, (e.g. col. 29, line 64 – col. 30, line 18, “*image changing section*”).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hasegawa with Coile because it would allow the user to easily check the characteristics of each image, and quickly grasp situations such as separated shape and size of the image on the contracted image, therefore the user can efficiently retrieve and manipulate any image.

35. Nguyen teaches automatically initiating execution of said project definition in response to a change to data in said data source, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make a system automated in response to updated information, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

36. Anabuki teaches a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and

Art Unit: 2143

which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination, (e.g. col. 4, lines 4 – 33, “*input and output*” & Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anabuki with the combine system of Coile, Hasegawa and Nguyen because utilizing an input and output portion allows the device to obtain image data from outside devices such as a communication network or facsimile machine, manipulate image data to the clients specification and output the newly manipulated image data to another device on the communication network such as a external storage device.

37. As per claim 2, as closely interpreted by the Examiner, Coile and Anabuki do not specifically teach the steps of causing said data source to automatically generate a trigger in response to a change to said image data therein;

38. causing said data source to automatically transmit said trigger through a communications link; and

39. responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition. Hasegawa teaches image data and Nguyen teaches the steps of causing said data source to automatically generate a trigger in response to a change to data therein, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65);

40. causing said data source to automatically transmit said trigger through a communications link, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65); and

41. responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26,

Art Unit: 2143

lines 35 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hasegawa and Nguyen with Coile because of similar reasons as stated above and furthermore, it would make a system more efficient to have a real time system that transmits changes over a network automatically immediately as they happen.

42. As per claim 3, as closely interpreted by the Examiner, Coile and Hasegawa do not specifically teach the step of expressing said trigger in a public communication protocol. Nguyen teaches teach the step of expressing said trigger in a public communication protocol, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen with the combine system of Coile and Hasegawa because of similar reasons as stated above.

43. As per claim 4, as closely interpreted by the Examiner, Coile teaches the step selecting as said public communication protocol the eXtensible Markup Language (XML) protocol, (e.g. col. 1, lines 15 – 30).

44. As per claim 5, as closely interpreted by the Examiner, Coile teaches the step of configuring said communications link to include a network, (e.g. col. 7, line 55 – col. 8, line 24 & col. 8, lines 46 – 65).

45. As per claim 6, as closely interpreted by the Examiner, Coile, Hasegawa and Anabuki do not specifically teaches the step of configuring said network to include a portion of the Internet.

Art Unit: 2143

Nguyen more specifically teaches the step of configuring said network to include a portion of the Internet, (e.g. col. 37, lines 1 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen with the combine system of Coile, Hasegawa and Anabuki because it would be more efficient for a system to be able to adapt and utilize a network that could communicate and interact with user around the world.

46. Claims 7 – 17 are rejected for similar reasons as stated above.

Conclusion

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

48. a. Weil et al. U.S. Patent No. 6278462 discloses Flexible schemes for applying properties to information in a medium.

49. b. Sato et al. U.S. Patent No. 6230189 discloses Apparatus and method for an HTTP server capable of connecting facsimile apparatuses and data terminals.

50. c. O'Rourke et al. U.S. Patent No. 5731813 discloses Graphical user interface for graphically representing, organizing, and selecting application programs and documents.

51. d. Wise et al. U.S. Patent No. 6130676 discloses Image composition system and process using layers.

52. e. Sugimoto U.S. Patent No. 6750890 discloses Method and device for displaying a history of image processing information.

Art Unit: 2143

53. f. Hashimoto U.S. Patent No. 5926824 discloses System and method for retrieving a document by inputting a desired attribute and the number of areas in which the attribute occurs as a retrieval condition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100